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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER WORLOH, JALATEE	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/2005 has been entered.
2. Claims 1-25, 31, 32, 34, 35 and 37-40 have been examined.

### ***Claim Rejections - 35 USC § 112***

3. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 37 is merely claiming data stored on a medium, the claim is not performing any steps.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 1-3, 13-15, 31, 32, 37 and 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6744891 to Allen in view of US Publication No. 2004/0136604 to Kuwata et al.

Referring to claim 1, Allen discloses reading means (i.e. customer terminal) for reading data and improvement information (i.e. key for decrypting the data and thereby reconstruct an undegraded data) used for improving the quality of the data from a recording medium which stores the data and the improvement information (see col. 5, lines 4-19) and improvement-information requesting means (i.e. customer terminal) for requesting another improvement information used for improving the quality of the data read by the reading means (see col. 5, lines 32-35) and outputting high-quality data (see col. 5, lines 36-46). Allen does not expressly disclose quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information obtained according to a request made by the improvement-information requesting means and for outputting high-quality data. Kuwata et al. disclose quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information obtained and for outputting high-quality data (see paragraphs [0084], [0088] and [0089]; notice, Kuwata et al. teach the processing unit correcting the image data according to plural predetermined evaluation criteria. Thereby, the image can be lighten or darken and also sharpen; paragraph [0042] shows an example of improving the quality of data by different criteria (i.e. "improvement information and the another improvement information)). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Allen to include quality improving means for improving the

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quality of the data according to at least both the improvement information and the another improvement information obtained according to a request made by the improvement-information requesting means and for outputting high-quality data. One of ordinary skill in the art would have been motivated to do this because it performs optimum image processing automatically based on the selected criterion (see paragraphs Kuwata [0044]& [0030]).

Referring to claims 2, 14 and 38, Allen discloses the apparatus wherein the data is degraded data obtained by degrading the original data and the quality improving means can restore the original data from the degraded data according to at least the improvement information (see col. 5, lines 4-19). Allen does not expressly disclose the quality improving means can restore the original data from the degraded data according to at least both the improvement information and the another improvement information. Kuwata et al. disclose the quality improving means can restore the original data from the degraded data according to at least both the improvement information and the another improvement information (see paragraphs [0084], [0088] and [0089]; notice, Kuwata et al. teach the processing unit correcting the image data according to plural predetermined evaluation criteria. Thereby, the image can be lighten or darken and also sharpen; paragraph [0042] shows an example of improving the quality of data by different criteria (i.e. “improvement information and the another improvement information)). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Allen to include quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information obtained according to a request made by the improvement-information requesting means and for outputting high-quality data. One of

ordinary skill in the art would have been motivated to do this because it performs optimum image processing automatically based on the selected criterion (see paragraphs Kuwata [0044]& [0030]).

Referring to claims 3 and 15, Allen discloses the quality improving means make high-quality data of which the quality is improved by  $N+1$  ( $N$  is a natural number) pieces of the improvement information and which is output have higher quality than high-quality data of which the quality is improved by  $N$  pieces of the improvement information and which is output (see col. 5, lines 32-46).

Referring to claim 13, Allen discloses reading means (i.e. customer terminal) for reading data and improvement information (i.e. key for decrypting the data and thereby reconstruct an undegraded data) used for improving the quality of the data from a recording medium which stores the data and the improvement information (see col. 5, lines 4-19), improvement-information requesting means (i.e. customer terminal) for requesting another improvement information used for improving the quality of the data read by the reading means (see col. 5, lines 32-35), quality improving means (i.e. data digital data processor) for outputting high-quality data (see and improvement-information sending means for sending the improvement information to another information processing apparatus (see col. 5, lines 36- 46 – customer may be provided with an option to select one of a number of different quality levels...still image data could be provided at one of five different resolution levels). Allen does not expressly disclose quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information obtained according to a request made by the improvement-information requesting means. Kuwata et al. disclose quality

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improving means for improving the quality of the data according to at least both the improvement information and the another improvement information obtained and for outputting high-quality data (see paragraphs [0084], [0088] and [0089]; notice, Kuwata et al. teach the processing unit correcting the image data according to plural predetermined evaluation criteria. Thereby, the image can be lighten or darken and also sharpen; paragraph [0042] shows an example of improving the quality of data by different criteria (i.e. “improvement information and the another improvement information) and paragraph [0165])). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Allen to include quality improving means for improving the quality of the data according to at least both the improvement information and the another improvement information obtained according to a request made by the improvement-information requesting means and for outputting high-quality data. One of ordinary skill in the art would have been motivated to do this because it performs optimum image processing automatically based on the selected criterion (see paragraphs Kuwata [0044]& [0030])).

Referring to claims 31 and 34, Allen discloses reading data and improvement information (i.e. key for decrypting the data and thereby reconstruct an undegraded data) used for improving the quality of the data from a recording medium which stores the data and the improvement information (see col. 5, lines 4-19), requesting another improvement information used for improving the quality of the read data (see col. 5, lines 32-35), and improving the quality of the data according to at least the improvement information and outputting high-quality data (see col. 5, lines 36-46). Allen does not expressly disclose improving the quality of the data according to both at least the improvement information and the another improvement information. Kuwata et

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al. disclose improving the quality of the data according to at least both the improvement information and the another improvement information obtained and outputting high-quality data(see paragraphs [0084], [0088] and [0089]; notice, Kuwata et al. teach the processing unit correcting the image data according to plural predetermined evaluation criteria. Thereby, the image can be lighten or darken and also sharpen; paragraph [0042] shows an example of improving the quality of data by different criteria (i.e. “improvement information and the another improvement information) and paragraph [0165])). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Allen to include the step of improving the quality of the data according to at least both the improvement information and the another improvement information. One of ordinary skill in the art would have been motivated to do this because it performs optimum image processing automatically based on the selected criterion (see paragraphs Kuwata [0044]& [0030])).

Referring to claims 32 and 35, Allen discloses reading data and improvement information (i.e. key for decrypting the data and thereby reconstruct an undegraded data) used for improving the quality of the data from a recording medium which stores the data and the improvement information (see col. 5, lines 4-19), requesting another improvement information used for improving the quality of the read data (see col. 5, lines 32-35), and improving the quality of the data according to at least the improvement information according to a request and outputting high-quality data and sending the improvement information to another information processing apparatus (see col. 5, lines 36-46). Allen does not expressly disclose improving the quality of the data according to both at least the improvement information and the another improvement information. Kuwata et al. disclose improving the quality of the data according to at least both



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the improvement information and the another improvement information obtained and outputting high-quality data(see paragraphs [0084], [0088] and [0089]; notice, Kuwata et al. teach the processing unit correcting the image data according to plural predetermined evaluation criteria. Thereby, the image can be lighten or darken and also sharpen; paragraph [0042] shows an example of improving the quality of data by different criteria (i.e. “improvement information and the another improvement information) and paragraph [0165])). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Allen to include the step of improving the quality of the data according to at least both the improvement information and the another improvement information. One of ordinary skill in the art would have been motivated to do this because it performs optimum image processing automatically based on the selected criterion (see paragraphs Kuwata [0044]& [0030])).

Referring to claim 37, Allen discloses data and improvement information for improving the quality of the data and for improving the quality of another data stored in another storage medium (see claim 1 above).

6. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen and Kuwata et al. as applied to claim 1 above.

Allen discloses an improvement-information-request receiving means (i.e. digital data processor) for receiving an improvement-information request signal, improvement-information sending means (i.e. digital data processor) for sending the improvement information (see claim 1 above). Allen does not expressly disclose the signal indicating that another information processing apparatus request the improvement information and sending the information to the

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another information processing apparatus according to an improvement-information request signal received by the improvement-information-request-signal receiving means. However, Allen's receiving and sending means are connected to a plurality of user terminal (see fig. 1), which can all receive the improvement information. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Allen to include an improvement-information-request-signal for receiving a request signal indicating that another information processing apparatus requests the improvement information and sending the information. One of ordinary skill in the art would have been motivated to do this because provides adequate notification to the receiving means thereby preventing unauthorized individuals from receiving the data.

Referring to claim 25, Allen discloses improvement information requesting means for requesting improvement information, wherein the improvement information request include the identification information of the data, the identification information of the identification information (see claim 13 above). Allen does not expressly disclose the improvement information includes the user identification information. However, this difference is only found in the nonfunctional descriptive material and is not functionally in the step recited. The process of requesting information would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus disclose by Allen to include user identification information in the request. One of

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ordinary skill in the art would have been motivated to do this because of the subjective interpretation of the data does not patentably distinguish the claimed invention.

***Allowable Subject Matter***

Claims 4-11,16-24, 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Publication No. 2004/0103305 to Ginter et al. discloses systems and methods for secure transaction management and electronic rights protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

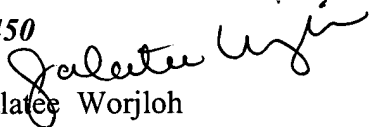
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Any response to this action should be mailed to:

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***P.O. Box 1450  
Alexandria, VA 22313-1450***

  
Jalatec Worjloh  
Patent Examiner  
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December 15, 2005